UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,687	06/04/2001	Michelle R. Lehmeier	10003826-1	4781

7590 07/01/2004

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EXAMINER
WOO, ISAAC M

ART UNIT	PAPER NUMBER
2172	

11

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/873,687	LEHMEIER ET AL.
		Examiner	Art Unit
		Isaac M Woo	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

  4a) Of the above claim(s) *13-22* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 11

DETAILED ACTION

1.   Claims 1, 7, 10 and 12 are amended. Claims 23-28 are newly added on paper

number 8. Claims 1-28 are pending. Claims 1-12 and 23-28 are presented for

examination and claims 13-22 are withdrawn from consideration as being drawn on the

non-elected inventions.

2.   Claim objections for claims 8-9, 11 and 22 have been withdrawn because of

amendments.

Election/Restrictions

3.   Applicant's election with traverse of claims (Group I, claims 1-12 and 23-28) in

Paper No. 10 is acknowledged. The traversal is on the ground(s) that *a search of the art*

for one group of claims will necessarily include a search of the art for the other group of

claims. It is believed that the burden on the Examiner to examine all claims in a single

application is less than burden on the applicants/public to prosecute/search more than one

application/patent. This is not found persuasive because restriction is the practice

wherein an Examiner may limit the prosecution of an application to one of a plurality of

distinct inventions that would otherwise impose a serious administrative burden on the

Examiner. As pointed out in The Restriction/Election Action, the inventions are related

as subcombinations disclosed as usable together in a single combination. The

subcombinations are distinct from each other if they are shown to be separately usable. As discussed in The Restriction/Election Action, the invention is drawn to 2 distinct groups. Group I (claims 1-12 and 23-28) is drawn to a method for identifying document or file content characteristics with extracting key words, and creating metadata structure for file retrieving, which is file searching, group II (claims 13-22) is drawn to obtaining data tag that is pertaining certain characteristics of document and associating data tag with each document, which is generating new data structure

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

4.   Applicant argues, Remark filed on January 27, 2004, that Richard does not teach or suggest the limitations of data structure which stores the internal characteristics of the file and any the spoken characteristics of the file, creating meta data identifying the file using the internal characteristics and spoken characteristics of the file. However, examiner does not agree. The system of Richard is for converting from text file to speech file, see (col.1, lines 12-53). Rich ard discloses input newspaper is searched, keywords are extracted and indexed and saved in memory as file type, see (fig. 2, fig. 11, fig. 21, fig. 22, col. col. 16, lines 41-59). The indexed file represents the internal characteristics of the file and this index file is converted to speech file form with text-to-speech converter (fig. 18, col. 12, lines 31-67 to col. 13, lines 1-20). The converted speech form represents the spoken characteristics of file. Richard discloses link

generator connects between the internal characteristics of the file and any the spoken characteristics of the file. The definition of metadata is meta-data, data about data, is definitional data that provides information about or documentation of other data managed within an application or environment. For example, meta-data would document data about data elements or attributes, (name, size, data type, etc) and data about records or data structures (length, fields, columns, etc) and data about data (where it is located, how it is associated, ownership, etc). Richard discloses the linked list generator (145, fig. 12), and linked list represents the article, for instance, head node pointing data field node, see (col. 9, lines 41-61). This teaches that the linked list describes data structure. Thus, Richard discloses data structure which stores the internal characteristics of the file and any the spoken characteristics of the file, creating meta data identifying the file using the internal characteristics and spoken characteristics of the file.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-12 and 23 –28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Richard et al (U.S. Patent No. 5,914, 068, hereinafter, "Richard").

With respect to claims 1, 7 and 23, Richard discloses, the document identifying

and retrieval system, document processing engine (710, fig. 18) configured to extract

search keys from a data file (206, fig. 2, col. 4, lines 37-45) to identify internal

characteristics of the data file, see (900, index engine indexes extracted keywords, fig.

22, col. col. 16, lies 41-60, fig. 18, col. 13, lines 20-36); speech recognition engine (620,

fig. 17, col. 65-67 to col. 12, lines 1-10) configured to convert spoken words associated

with the file to spoken characteristics (170, fig. 1, fig. 18 , text-to-speech converter, col.

12, lines 32-67 to col. 13, lines 1-60). Richard discloses data structure with associates

the internal characteristics of a file and any spoken characteristics of a file (170, fig. 1,

fig. 18, text-to-speech converter) with the file in a memory (col. 3, lines 53). Richard

does not explicitly disclose the metadata. The definition of metadata is meta-data, data

about data, is definitional data that provides information about or documentation of other

data managed within an application or environment. For example, meta-data would

document data about data elements or attributes, (name, size, data type, etc) and data

about records or data structures (length, fields, columns, etc) and data about data

(where it is located, how it is associated, ownership, etc). Richard discloses the linked

list generator (145, fig. 12), and linked list represents the article, for instance, head node

pointing data field node, see (col. 9, lines 41-61). This teaches that the linked list

describes data structure. Therefore, it would have been obvious to a person having

ordinary skill in the art at the time of the invention was made to include the metadata in

the system of Richard to provide the link list of article data structure. Because the

metadata includes descriptive information about the context, quality and condition, or

characteristics of the data. This helps to provide more descriptive information to a user.

With respect to claim 2, Richard discloses, the search engine configured to

search for the internal characteristics and any the spoken characteristics within the

memory so as to identify files associated with the internal characteristics and any

spoken characteristics, see (col. 9, lines 41-61).

With respect to claims 3-5, and 9-12, Richard discloses, the character recognition

engine configured to provide files that contain textual information and image data, see

(col. 12, lines 32-67, col. 3, lines 41-67 to col. 4, lines 1-36).

With respect to claim 6, Richard discloses, the document processing engine

includes an object recognition system, see (col.13, lines 21-60).

With respect to claim 8, Richard discloses, the searching the metadata to identify

file, see (col. 9, lines 41-61).

With respect to claims 24-25, Richard discloses, the content characteristics is

textual information generated an image and speech recognition engine, see (fig. 1, fig.

2, col. 3, lines 41-67 to col. 4, lines 1-67).

With respect to claim 26, Richard discloses, spoken characteristics are

information describing the content of the file, see (fig. 22, col. col. 16, lines 41-59).

With respect to claim 27, Richard discloses, creating database, comprising:

plurality of files, the spoken characteristics and the content characteristics of the each

file, see, (fig. 22, col. col. 16, lines 41-59).

With respect to claim 28, Richard discloses, each file is identifiable, accessible,

or retrievable using the spoken characteristics or the content characteristics, see, (col.

12, lines 32-67, col. 3, lines 41-67 to col. 4, lines 1-36).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Isaac M Woo whose telephone number is (703) 305-

0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

IMW
June 22, 2004

SHAHID ALAM
PRIMARY EXAMINER